



Department of Corrections
ADMINISTRATIVE BULLETIN

**Subject: IMPLEMENTATION OF
PENAL CODE SECTION 2933.6
AND RESCISSION OF AB 93/7**

Number:

96/16

Date Issued:

July 9, 1996

Cancelled Effective:

This Administrative Bulletin (AB) clarifies the implementation of Penal Code (PC) Section 2933.6 and rescinds AB 93/7 issued February 23, 1993. The AB 93/7 provided erroneous information regarding the ability of Administrative Segregation Unit (ASU) or Security Housing Unit (SHU) inmates to apply for restoration of credits. The PC 2933.6 has no impact on credit restoration in the event the inmate otherwise meets the restoration criteria pursuant to California Code of Regulations (CCR) Section 3327 et seq. Inmates who applied for restoration of credits on a CDC Form 958 and were erroneously denied the restoration based on the rescinded AB 93/7 may resubmit their requests. For these inmates the window period described in AB 96/4 for restoration of forfeited credits for Division A-1, A-2, B, and C level offenses is extended to 60 days from the issuance of this AB.

Any inmate assigned to ASU or SHU with a guilty finding for rule violations listed below which occurred on or after January 1, 1993 shall be placed on work group D-2. The D-2 earning status is effective the date of placement into ASU or SHU for that offense.

- Murder, attempted murder, and solicitation of murder. Solicitation of murder shall be proven by the testimony of two witnesses or of one witness and corroborating circumstances.
- Manslaughter.
- Assault or battery causing serious bodily injury.
- Assault or battery on a peace officer or other nonprisoner which results in physical injury.
- Assault with a deadly weapon or caustic substance.
- Rape, attempted rape, sodomy, attempted sodomy, oral copulation, or attempted oral copulation accomplished against the victim's will.
- Taking a hostage.
- Escape or attempted escape with force or violence.
- Escape from any departmental prison or institution other than a camp or reentry facility.



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- Possession or manufacture of a deadly weapon or explosive device.
- Arson involving damage to a structure.
- Possession of flammable, explosive material with intent to burn any structure or property.
- Solicitation of assault with a deadly weapon or assault by means of force likely to produce great bodily injury, arson, or a forcible sex act.
- Intentional destruction of State property in excess of four hundred (\$400) dollars during a riot or disturbance.

The inmate shall remain on work group D-2 earning status until the expiration of the inmate's minimum eligible release date (MERD) or until the inmate's release from ASU or SHU, whichever occurs first. The inmate is considered as being placed in ASU or SHU, even if temporarily housed elsewhere for court, medical, or other functions, and is subject to D-2 credit earning status. Also, when an inmate forfeits good conduct credit on a PC Section 2933.6 MERD, D-2 is applied up to the maximum expiration date of this term.

Inmates retained in SHU after the expiration of the MERD who did not receive an additional rule violation report listed under PC Section 2933.6 shall normally be placed on D-1 status pursuant to the existing regulations. Work group status D-2 can be extended on those inmates who, while on ASU or SHU status, have been found guilty of subsequent rule violations listed in CCR subsection 3341.5(c)(6) resulting in a subsequent SHU term via a CDC Form 629-B. The length of the extended D-2 time for offenses under PC Section 2933.6 shall be for the entire new MERD, or for those offenses not under PC Section 2933.6 for the length of the credit loss period.

If the disciplinary finding of the PC Section 2933.6 misconduct is not guilty, the guilty finding is overturned, the charge is reduced due to an appeal, or the inmate is criminally prosecuted for the misconduct and found not guilty, the classification committee shall apply appropriate work incentive credits pursuant to CCR subsections 3045.1(a)(1) and 3045.3(b)(4).



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Please inform all persons concerned of the contents of this bulletin which shall remain in effect until incorporated into Department Operations Manual Section 53130. Please direct any inquiries regarding this bulletin to Jeff Diggs, Facility Captain, Classification Services Unit, at (916) 322-2544 or CALNET 492-2544.

GREGORY W. HARDING
Chief Deputy Director
Support Services